IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL
Contempt Petition No. 329 of 2005

Shiv Sewa Vidya Mandir Samiti
Village & Post – Kunwarpur Sisayan
Tehsil Sitarganj (Khatima)
District – Udham Singh Nagar
Through its Shishya Swami Dharmanand … Petitioner

1. Shaikh Alamgir,
   SDM (Sitarganj) Khatima (U.S.N.)
2. Vinod Joshi Tahsildar-Sitarganj (U.S.N.)
3. Rohit Rana (Halka Patwari Dadda
   Tahsil-Sitarganj,
   Distt. – Udham Singh Nagar
4. Jagveer Singh
   S/o Narendra Singh
   Village Narendra Singh
   District – Udham Singh Nagar … Respondents

Shri I.S. Mehra, learned counsel for the petitioner.

Hon'ble J.C.S. Rawat, J.

1. The petitioner has moved writ petition under Article 226/227 of the Constitution of India before this court which was numbered as Writ Petition No. 574 of 2003 (M/S) and it was decided on 10.08.2005 and following direction was made:-

"*In view of the above, the writ petition is allowed. The judgment passed by the Prescribed Authority is hereby quashed. However, it open for the State to evict the petitioner from the disputed land in accordance with the provisions of U.P.Z.A. & L.R. Act. It is open for the petitioner to get his titled declared by filing a suit under Section 229-B of U.P.Z.A. & L.R. Act as he claimed in response to the notice issued under Sec. 4 (i) of the U.P. Public*

Premises (Eviction of Unauthorised Occupants) Act that he is the allottee of the land by lease. No order as to costs."

2. The petitioner has moved this petition alleging therein that the respondents willfully with intention to grab 90 quintal of rice of the petitioner got cut the whole standing rice crop of the applicant when he was out of the station with the help of the respondent No. 4. The respondents have the information with regard to the order passed by the Hon'ble court. It was clearly admitted by the learned counsel for the petitioner that the petitioner had not been evicted from the land in suit.

3 Perusal of the order and the averments made in the affidavit clearly reveals that the respondents have not evicted the petitioner from the land in suit. If they have deliberately cut the standing rice crop, it is merely a criminal offence. The petitioner may seek the remedy in the criminal court. The averment made in the application does not constitute the ingredients of civil contempt.

4. The contempt petition is liable to be dismissed and the same is accordingly dismissed.

5. Cost easy.

(J.C.S, RAWAT, J.)

17th November, 2005
shiv